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**Patents
DN 3721****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of	:	
	:	
Stuart Neale et al.	:	Examiner: Jasson H. Yoo
	:	
Serial No.: 10/784,635	:	Group Art Unit: 3714
	:	
Filed: February 23, 2004	:	Confirmation No. 8174
	:	
For: SPORTING EVENT STATISTICS	:	
TRACKING AND COMPUTATION	:	
SYSTEM AND METHOD	:	

Final Office Action dated March 5, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PROPOSED
RESPONSE TO OFFICE ACTION

S I R:

In response to the Final Office Action dated March 5, 2008, within the second month for response thereto, Applicant herein proposes to amend the above-identified patent application as follows:

A listing of the claims as previously presented and proposed additional claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 11 of this paper.

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Listing of Claims

What is claimed is:

- 1 - 2. (canceled)
3. (currently amended) The system of claim + 21 wherein said user interface includes a mouse.
4. (currently amended) The system of claim + 21 wherein said user interface includes a touch sensitive screen.
5. (currently amended) The system of claim + 21 wherein said user interface includes a stylus.
6. (currently amended) The system of claim + 21 wherein said user interface includes an audio input.
7. (currently amended) The system of claim + 21 wherein said user interface includes a display.
8. (previously presented) The system of claim 7 wherein said computer program interactively prompts the user for an input and provides said choices available on said display.
- 9 - 11. (canceled)
12. (currently amended) The system of claim + 21 wherein the system includes remotely accessible information regarding the sports contest and wherein said computer is programmed to obtain said remotely accessible information prior to commencement of the sports event and to store said information in said database.
13. (currently amended) The system of claim + 21 wherein the computer is programmed to send information regarding the sports contest to remote computers.
- 14 - 17. (canceled)
18. (currently amended) The system of claim + 21 further comprising a reporting module operable to interact with a user through said user interface to interactively access information from said database to produce reports related to said sports contest.
19. (previously presented) The system of claim 18 further comprising a recording portion that stores a recording of the sports contest, said recording being time synchronized with the data stored in said database.

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20. (currently amended) The system of claim 1 ~~21~~ further comprising a location sensing portion and said computer program further comprising a motion module, said location sensing portion operable to relay spatial position information related to the sports contest to said motion module, said motion module operable to translate said spatial position information into data related to the sports contest storable in said database.

21. (currently amended) A system for real-time tracking and recording events of a sports contest with a primary object of play, the sports contest including offensive and defensive competitive interaction between at least a first team and a second team in opposition therewith, each team having at least one player, comprising:

at least one computer including a processor portion, and a user interface portion, said computer interactively operable with a user under control of a computer program associated with said processor portion thereof,

a computerized database accessible through said computer program, said database including information therein indicative of recorded events of the sports contest,

said computer program including a game module for controlling the entry by the user of information during the sports contest, said game module operable to interpret the information regarding sports contest activities selectably entered by a ~~system~~ the user;

said computer programmed ~~for to perform the steps of~~

- a. receiving from said user interface, one or more types of possession input related to a plurality of events of the sports contest; ~~whereby~~ said possession input indicates ~~a particular~~ indicating the player in possession of the primary object of play,
- b. interpreting said possession input from said user interface and determining an event based on said possession input,
- c. receiving from said user interface, one or more types of event input related to a plurality of events of the sports contest,
- d. interpreting said event input from said user interface, and
- e. storing data representative of said events based on possession input and said events based on event inputs in said database.

22. (canceled)

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23. (currently amended) A system for tracking and recording events of a fast paced or timed sports contest in real-time, the sports contest including offensive and defensive competitive interaction between at least a first team and a second team in opposition therewith, each team having at least one player, comprising:

at least one computer user interface including a processor portion, a display portion, and an information entry portion, said computer user interface interactively operable with a user under control of a computer program,

a computerized database accessible through said computer program and said computer user interface,

said computer program including a game module for translating a series of user inputs into a series of sports contest events,

said computer user interface operable in accordance with said game module for to perform the steps of

a. accepting from a the user a selection at least one entry representative of information related to a plurality of events of the sports contest,

b. interactively responding to the at least one entry of information entered by the user and communicating therewith to establish a particular event by:

1. deducing the particular event based on one entry or a series of entries selected possibilities, or
2. interactively eliciting and responding to additional entries representative of information related to the plurality of events from the user by displaying for selection by the user additional choices based on a selected possibility the at least one entry until the particular event is determined, or
3. recognizing a selected possibility the at least one entry as the particular event,

c. displaying the particular event for verification by the user,

d. storing the particular event in said database.

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24. (canceled)

25. (currently amended) A method for tracking and recording events of a fast paced or timed sports contest in real-time, the sports contest including offensive and defensive competitive interaction between at least a first team and a second team in opposition therewith, each team having at least one player, including comprising the steps of:

providing at least one computer user interface including a processor portion, ~~providing~~ a display portion, and ~~providing~~ an information entry portion, said computer user interface interactively operable with a user under control of a computer program, providing a computerized database accessible through said computer program and said computer user interface,

said computer program including a game module for translating a series of user inputs into a series of sports contest events,

said computer user interface operable in accordance with said game module to perform the steps of

a. accepting from a the user a selection at least one entry representative of information related to a plurality of events of the sports contest,

b. interactively responding to the at least one entry of information entered by the user and communicating therewith to establish a particular event by:

1. deducing the particular event based on one entry or a series of entries selected possibilities, or
2. interactively eliciting and responding to additional entries representative of information related to the plurality of events from the user by displaying for selection by the user additional choices based on a selected possibility the at least one entry until the particular event is determined, or
3. recognizing a selected possibility the at least one entry as the particular event,

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- c. displaying the particular event for verification by the user,
- d. storing the particular event in said database.

26.(new) A system for real-time tracking and recording during continuous play activity of fast-paced events in a team sports contest involving movement by cooperative actions of team members of a game object for the purpose of securing a team score by advancing the game object to or through a goal object, including the automated determination and recordation of certain non-scoring events that occur during the course of the team sports contest, based upon the input by a user of identification information of team members who effect movement of the game object, without the necessity for operator input specifically identifying the occurrence of such non-scoring events, comprising:

a computer including a processor portion and a user interface portion,

a database, associated with and accessible by said computer, in which information regarding the team sports contest can be recorded, including information indicative of the game status of the team sports contest at given points in time,

said computer being operable to enable and control interactive communication between said computer and a user during the course of the team sports contest and being responsive to user inputs at said user interface portion to update the information recorded in said database and the game status of the team sports contest, said user inputs including the identification of specific events, including specific scoring events, as well as inputs during the course of the team sports contest providing identification information of team members effecting movement of the game object without other identification of an associated event,

said processor portion of said computer having a computer program associated therewith for controlling the operation of said computer, said computer program having a game module portion associated therewith including information specific for such team sports contest,

said computer operable in accordance with said game module portion to associate with certain user inputs that provide identification information of team members who

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effect movement of the game object, under game status conditions at such times,
particular non-scoring events,

said computer programmed to

- a. recognize during continuous play activity certain user inputs selectably made by a user at said interface portion of said computer providing identification information of team members effecting movement of the game object, under certain game status conditions, as being associated with the occurrence of particular non-scoring events in the team sports contest,
- b. establish the occurrences of such particular non-scoring events at such points in time during the course of the continuous play activity of the team sports contest,
- c. store within said database data representative of the occurrences of said established events at such points in time during the course of the continuous play activity of the team sports contest,

whereby a user can effect, during the course of the continuous play activity of a fast-paced team sports contest, the tracking and recording of actions relative to the movement of a game object by and among the members of the teams and the possession and advancement towards a score of the game object by the teams without the necessity for separate, specific inputs by a user identifying all the separate, specific non-scoring events occurring.

27.(new) The system of claim 26 wherein said computer is programmed, upon user inputs providing identification information of first and second team members during the course of the continuous play activity of the team sports contest with no intervening input by a user of other game object information to associate therewith the occurrence of a movement of the game object from the first team member to the second team member.

28.(new) The system of claim 26 wherein said computer is programmed, upon user inputs providing, first, identification information of a team member of a first team and, thereafter, identification information of a team member of a second team during the course of the team sports contest, with no intervening input by a user of other

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game object information, to associate therewith the occurrence of a movement of the game object from the team member of the first team to the team member of the second team member and the occurrence of a change in possession of the game object.

29.(new) The system of claim 26 wherein said computer is programmed, upon user inputs identifying the occurrence of a score, to accord the achievement of such score to the team member whose identification information was most recently provided as a user input by the user.

30.(new) The system of claim 26 wherein the team sports contest has a playing area with opposed goal objects each defended by a given team and said game module includes information specific to such team sports contest.

31. (new) The system of claim 30 wherein the goal objects of such team sports contest are located near opposed ends of the playing area and said user inputs include identification of the movement of the game object to or through the goal object.

32.(new) The system of claim 31 wherein the team sports contest is a basketball game, the playing area is a basketball court, and the game object is the basketball, and the baskets at the opposite ends of the basketball court are the goal objects, and wherein said user inputs include at least shots, scores, and team member identifications corresponding to team members in possession of the basketball.

33.(new) A system for real-time tracking and recording of events in a basketball game, comprising:

a computer having a processor portion, a user input portion, and a display portion, a database, associated with and accessible by said computer, in which information regarding the team sports contest can be recorded, including information indicative of the game status of the basketball game at given points in time,

said computer being operable to enable and control interactive communication between said computer and a user during the course of the team sports contest and being responsive to user inputs at said user interface portion to update the information recorded in said database and the game status of the basketball game,

said processor portion of said computer having a game module portion associated therewith including an associated computer program for controlling the operation of said computer during the course of the basketball game and the display of said computer at

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said display portion of certain game information as the game status changes, the particular display presented to a user at a given point in time during the basketball game indicating the selections then available to the user in accordance with the game status at such given point in time,

said selections available to the user at various points in time including play commencement and play interruption inputs, selection by a user of a play commencement input effecting recognition by the computer of a continuous play game status, selection by a user of a play interruption input effecting recognition by the computer of a game interruption status,

said user inputs available during continuous game play status including input entries providing identification information of team members effecting movement of the basketball during such continuous play,

user input of identification information of a team member of a first team followed by user input of identification information of a second team member of the first team during such continuous play, with no intervening input by a user of other possible user inputs, establishing the occurrence of a movement of the basketball from the first team member of the first team to the second team member of the first team,

user input of identification information of a team member of a first team followed by user input of identification information of a team member of the second team during such continuous play, with no intervening input by a user of other possible user inputs, establishing the occurrence of a movement of the basketball from the team member of the first team to the team member of the second team member and the occurrence of a change in possession of the basketball,

whereby a user can effect, during the course of fast-paced continuous play in a basketball game, the tracking and recording of actions relative to the movement of the basketball by and among the members of the teams and the possession of the basketball by the teams.

34.(new) The system of claim 33 wherein said selections available to the user at various points in time include shot and score entries, selection by a user of a shot input effecting recognition by the computer of the occurrence of a shot by a team member previously determined to be in possession of the basketball by entry of a user input

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providing identification information for a team member, selection by a user of a score input effecting recognition by the computer of the occurrence of a score upon a shot.

35.(new) The system of claim 34 wherein said selections available to the user upon the occurrence of a score include score value entries for identifying the value of the score.

36.(new) The system of claim 33 wherein said selections available to the user during continuous play include a whistle input entry, said whistle input entry constituting at least one game interruption entry.

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REMARKS

Applicants' attorney respectfully requests a telephone interview to discuss the rejected claims and other matters related to the Final Office Action for this application dated March 5, 2008.

As currently amended, the application includes previously presented independent claims 21, 23, 25, and newly presented independent claims 26, and 33. Previously presented claims 3-8, 12, and 18-20 depend from claim 21. Newly added claims 27 -32 and 34 - 36 depend from claims 26 and 33, respectively.

Turning to the previously presented claims, the Examiner has rejected independent claims 21, 23 and 25 and dependent claims 7-8, 12-13 and 18-19 under 35 USC 102(b) s being anticipated by Descalzi, US Pat. No. 6,148,242. Applicants' attorney believes a final rejection based on this reference is premature at this time. MPEP 706.07(a) paragraph 4 states:

A second or any subsequent action on the merits in any application or patent involved in reexamination proceedings should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed.

Amendments to the previously presented claims were minimal and would not have been unexpected. Specifically, the preamble of claim 21 was amended consistent with the specification to include detail about the sports contest, and the body of the claim includes very minor changes. Similar amendments related to the sports contest were added to the preamble of claims 23 and 25, and the bodies of those claims also included minor changes. The dependent claims were only amended to indicate their dependence from claim 21. Since the Descalzi patent was first presented in the present Office Action, it is

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not prior art of record, and any rejection based on this reference should have been a non-final rejection.

Applicants' attorney respectfully submits that the rejection of claims based on the Descalzi reference is inappropriate. The Descalzi reference does not include all the elements of the present invention. According to Descalzi, "Actions or statistics are recorded during a game by moving the cursor on the LCD to a player row using the arrow keys in the left vertical group 17, and pressing the applicable action key in vertical group 18." (col. 5, ll. 8-11). Also, "the keys of group 17 are utilized to select players and/or teams, the keys of group 18 record "actions" or game events, such as field goals, rebounds, and turnovers." (col. 3, ll. 55-58). According to the present invention, several game events can be determined based on user input of the player in possession of the ball. This feature is specifically seen in claim 21 element b. For example, in the present invention, two successive player inputs from the same team are determined to be a pass. The Descalzi device, however, requires two successive player inputs from group 17 and a third input of pass from group 18 to determine that a pass has occurred.

While it is true that the present invention does include using some event inputs, the primary difference between the systems is that the present invention determines certain events from possession input alone, and the Descalzi system requires entry of all events. Examples of event entry inputs utilized in both systems include Blocked Shot (BL), Free Throw attempt (FT), Free Throw made (FT), 2 Point shot attempt (2P), 2 Point shot made (2P), 3 Point shot attempt (3P), 3 Point shot made (3P), Timeout, Substitution, and Foul. Examples of the of events determined by one or more possession inputs in the present invention that must be determined by one or more possession inputs

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plus one or more event inputs by the Descalzi system include Defensive Rebound (DR), Offensive Rebound (OR), Turnover (TO), Steal (ST), Assist (AS), and Team in Possession. Additional events that can be determined by one or more possession inputs in the present invention that do not appear to be available in the Descalzi system include Completed pass, Inbounding player, Jump ball tip winner, Substituted Player (leaving), and Time in possession of ball for each player.

Claims 23 and 25 recite user input of "at least one entry representative of information related to a plurality of events of the sports contest" in element a, and "deducing the particular event based on one entry or a series of entries" in element b1. "[I]nformation related to events of a sports contest" is not an actual event entry as required by Descalzi. As such, according to claims 23 and 25, the present invention deduces an event based on one non-event entry or a series of non-event entries. As explained above, the Descalzi system requires all events to be entered and consequently does not include all the features of the present invention. Therefore independent claims 21, 23 and 25, and the claims depending therefrom should be allowable.

Claims 26 – 36 were withdrawn from consideration because the Examiner considered the claims directed to an invention that is independent or distinct from the invention originally claimed. Applicants' attorney respectfully submits that these claims are not directed to an independent invention, but they provide more detail to the invention as claimed in claim 21. Also for the same reasons claim 21 is allowable, these claims are likewise allowable.

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Applicants' attorney respectfully requests the Examiner remove the finality of the Office Action, reconsider the claim rejection based on the Descalzi reference, withdraw the Restriction/Election Requirement for claims 26 – 36, and examine claims 26 – 36.

Respectfully submitted,

HAVERSTOCK, GARRETT & ROBERTS LLP

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April 22, 2008

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From: Mary T. Edwards
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Comments or questions:

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PTOL-413A (10-07)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/784,635 First Named Applicant: Neale
Examiner: Jasson H. Yoo Art Unit: 3714 Status of Application: pending
under Final

Tentative Participants:

(1) Jasson Yoo (2) Mary Edwards
(3) _____ (4) _____

Proposed Date of Interview: _____ Proposed Time: _____ (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO
If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rejection</u>	<u>3-8, 12-13</u> <u>18-21, 23,</u> <u>25-26</u>	<u>Descaiz</u> <u>USPN 6,148,242</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Restriction</u>	<u>26-36</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

See attached

An interview was conducted on the above-identified application on _____

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Mary Edwards
Applicant/Applicant's Representative Signature

Examiner/SPE Signature

Mary Edwards
Typed/Printed Name of Applicant or Representative

41,729
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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